

Planning & Zoning Commission
Regular Meeting
September 12, 2013, 7:00 PM
City Hall – 665 Country Club Road
Minutes

Call to Order

The meeting was called to order at 7:00 p.m. by Chairman Karen Hurtt.

Present/(Absent):

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| Chairman Karen Hurtt | Vice-Chairman Peggy Rusterholtz |
| Commissioner Sean McCaffity | Commissioner David Keer |
| Commissioner Brian Blythe (Absent) | Alt Commissioner Andre Guillemaud |
| Alt Commissioner Joe Williams | City Attorney Joe Gorfida |
| Mayor Rebecca Mark | Development Services Director Joe Hilbourn |
| City Manager Jeff Jenkins | City Secretary Kathy Wingo |

With the absence of Commissioner Brian Blythe, Alternate Commissioner Andre Guillemaud will be a voting member for tonight's meeting.

It was determined that a Quorum was present.

Everyone was reminded to turn off or silence cell phones.

Vice-Chairman Peggy Rusterholtz led everyone in saying the Pledge of Allegiance.

Public Hearings

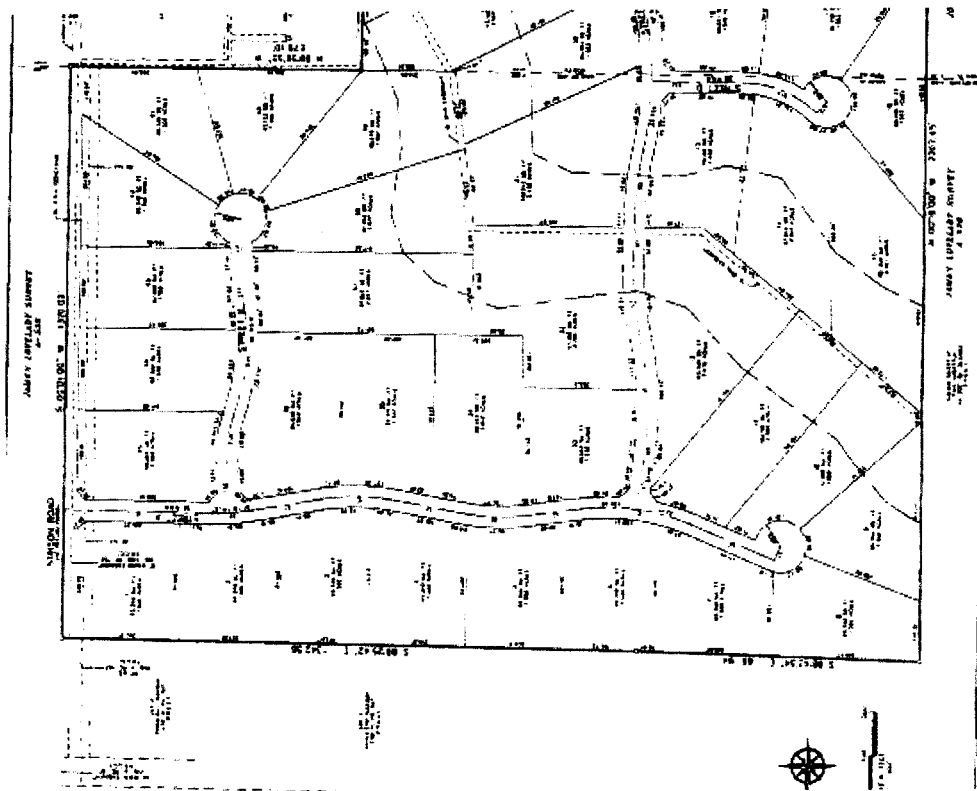
- 1) Public Hearing/Discuss and Consider an application for the zoning of a tract of land situated in the City of Lucas to R-1.5 from AO BEING a 47.807 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 47.807 acre tract. [47.807 acre parcel R-1.5]

Todd Winters, on behalf of Liberty Bank, has submitted an application for a zoning change from AO to R-1.5.

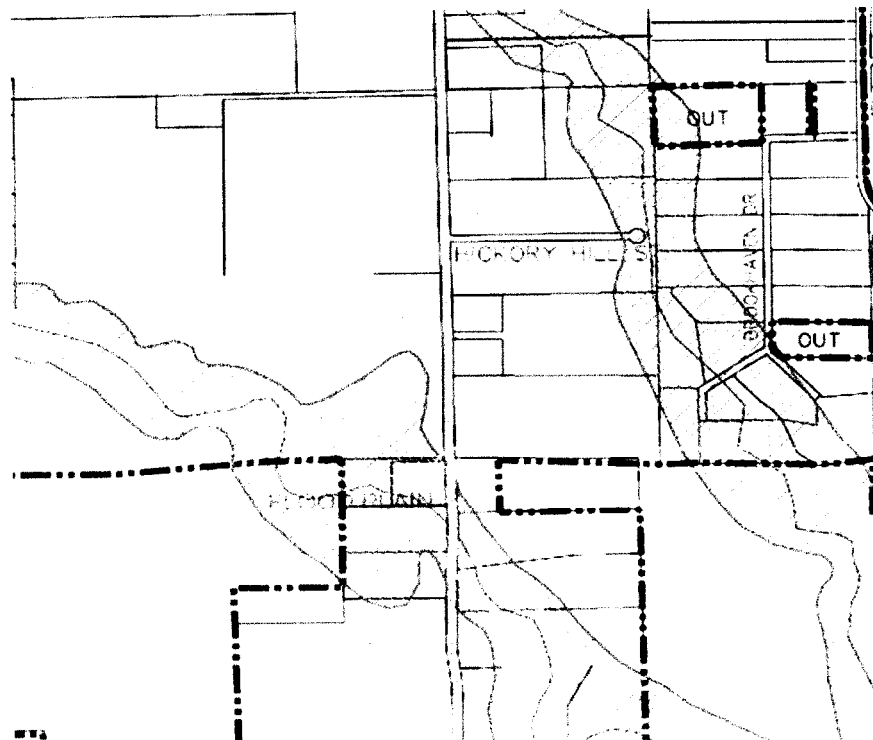
This parcel has an approved Development Agreement with an approved Concept Plan that gives consideration to the zoning. This plan adheres to the approved layout.

The property is approximately 87 acres. The property is currently zoned AO, this request is for 47.807 acres and R-1.5 zoning is being requested. A part of the property is still in the city's ETJ. This request does not match the approved Comprehensive Plan in full, an adjustment would be needed for the Comprehensive Plan.

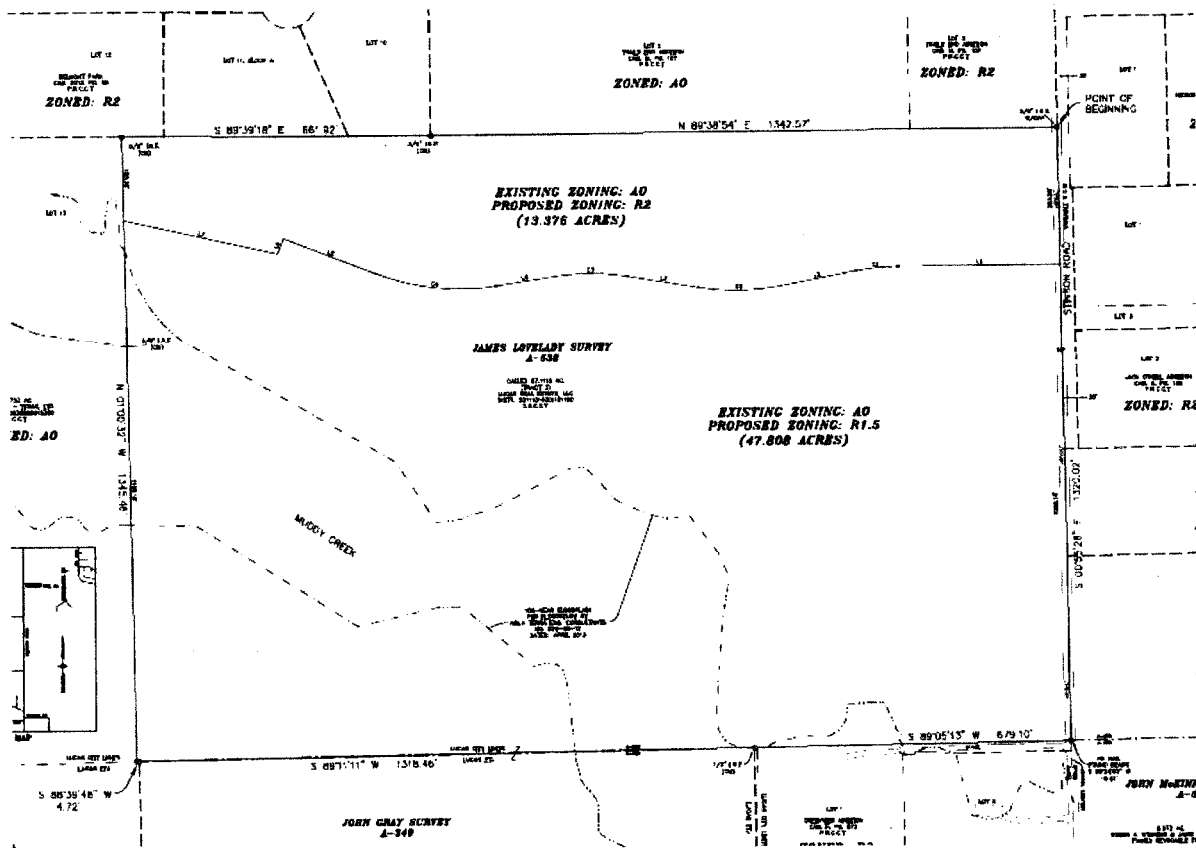
Approved Concept Plan:



Approved Comprehensive Plan:



Property Depiction:



The Public Hearing was opened at 7:04 p.m.

Todd Winters, representative for the developer, came forward to speak FOR this item and to answer any questions that the Commission might have of the project.

There was no one present who wished to speak AGAINST this item.

The Public Hearing was closed at 7:06 p.m.

MOTION: Vice-Chairman Peggy Rusterholtz made a Motion to recommend approval of the application for the zoning of a tract of land situated in the City of Lucas to R-1.5 from AO BEING a 47.807 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 47.807 acre tract. Commissioner Sean McCaffity seconded the Motion. Motion carried. Vote: 5-0.

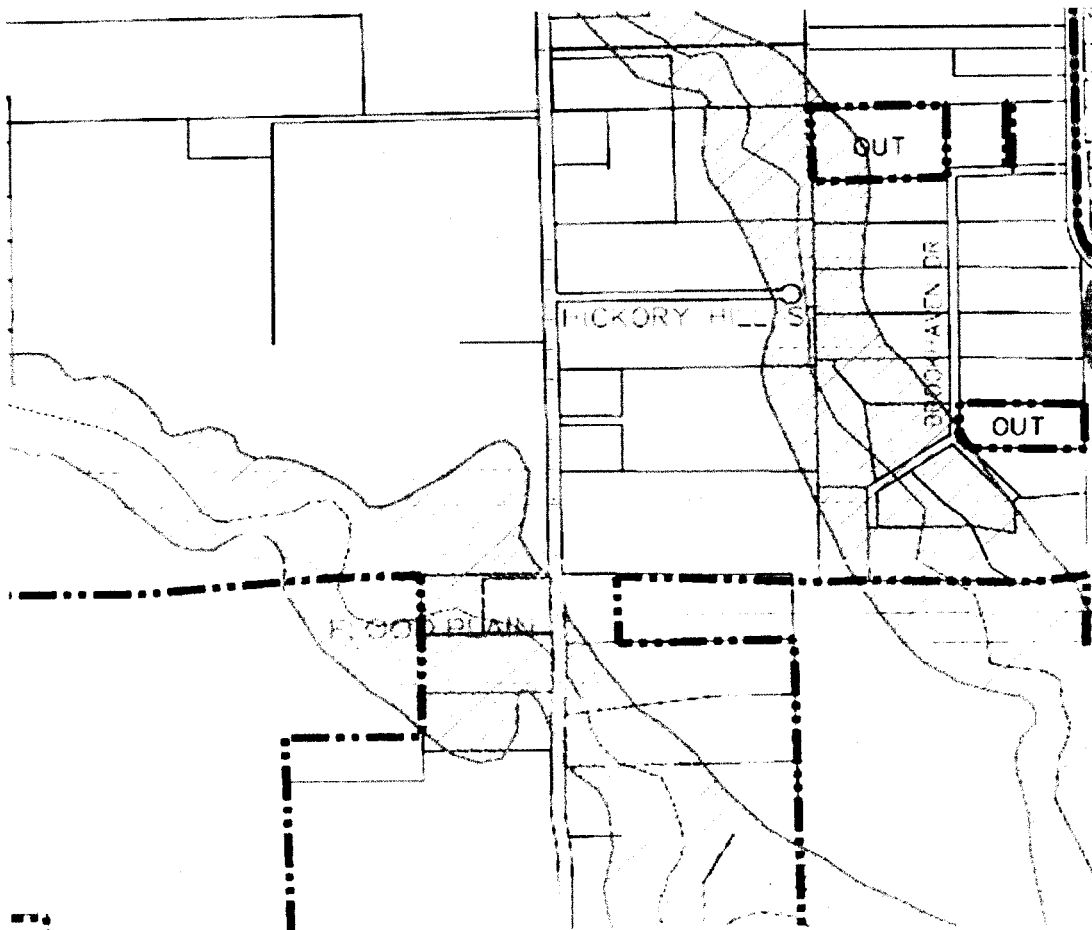
- 2) Public Hearing/Discuss and Consider an application for the zoning of a tract of land situated in the City of Lucas to R-2 from AO BEING a 13.376 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument

20111014001101190, Deed Records, Collin County, Texas, said 13.376 acre tract. [13.376 acre parcel R-2]

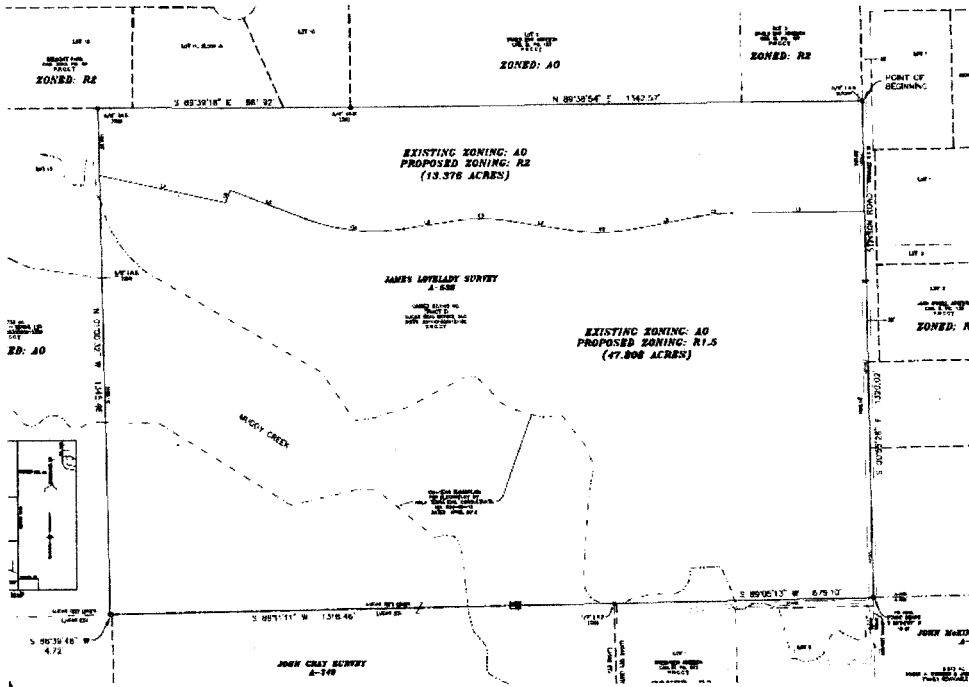
Todd Winters, on behalf of Liberty Bank, has submitted an application for a zoning change from AO to R-2.

The property is approximately 87 acres. The property is currently zoned AO, this request is for 13.376 acres and R-2 zoning is being requested. A part of the property is still in the city's ETJ. This request matches the approved Comprehensive Plan in full.

Approved Comprehensive Plan:



Property Depiction (see next page):



The Public Hearing was opened at 7:11 p.m.

Todd Winters came forward to speak FOR this item and to answer any questions of the Commissioners.

There was no one present who wished to speak AGAINST this item.

The Public Hearing was closed at 7:12 p.m.

MOTION: Commissioner David Keer made a Motion to recommend approval of the application for the zoning of a tract of land situated in the City of Lucas to R-2 from AO BEING a 13.376 acre tract of land situated in the James Lovelady Survey, Abstract No. 538, City of Lucas, Collin County, State of Texas, and being part of that certain 87.1115 acre tract of land (Tract 3) described in deed to Lucas Real Estate, LLC, as recorded in Instrument 20111014001101190, Deed Records, Collin County, Texas, said 13.376 acre tract. Commissioner Sean McCaffity seconded the Motion. Motion carried. Vote: 5-0.

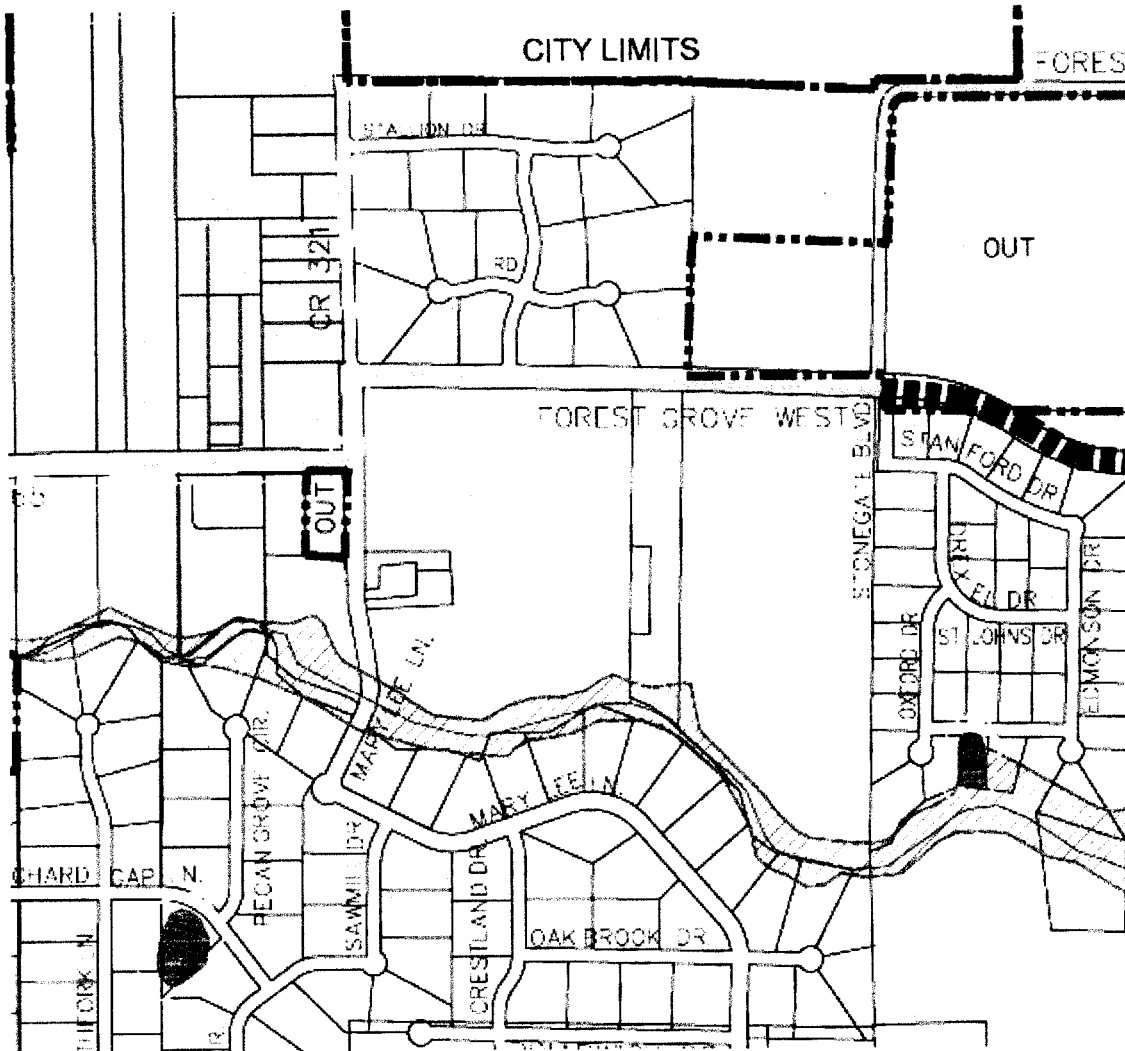
- 3) Public Hearing/Discuss and Consider an application for the rezoning of a 53 +/- acre tract of land from AO to R-1.5 situated in the J. Kerby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Hooper Family Limited Partnership according to the deed recorded in Volume 5190, Page 404 of the Deed Records, Collin County, Texas (DRCCT). [Located on Forest Grove Road]

Steve Lenart, on behalf of Centurion Land Acquisitions, has submitted an application for the rezoning of a parcel of land located on Forest Grove Road.

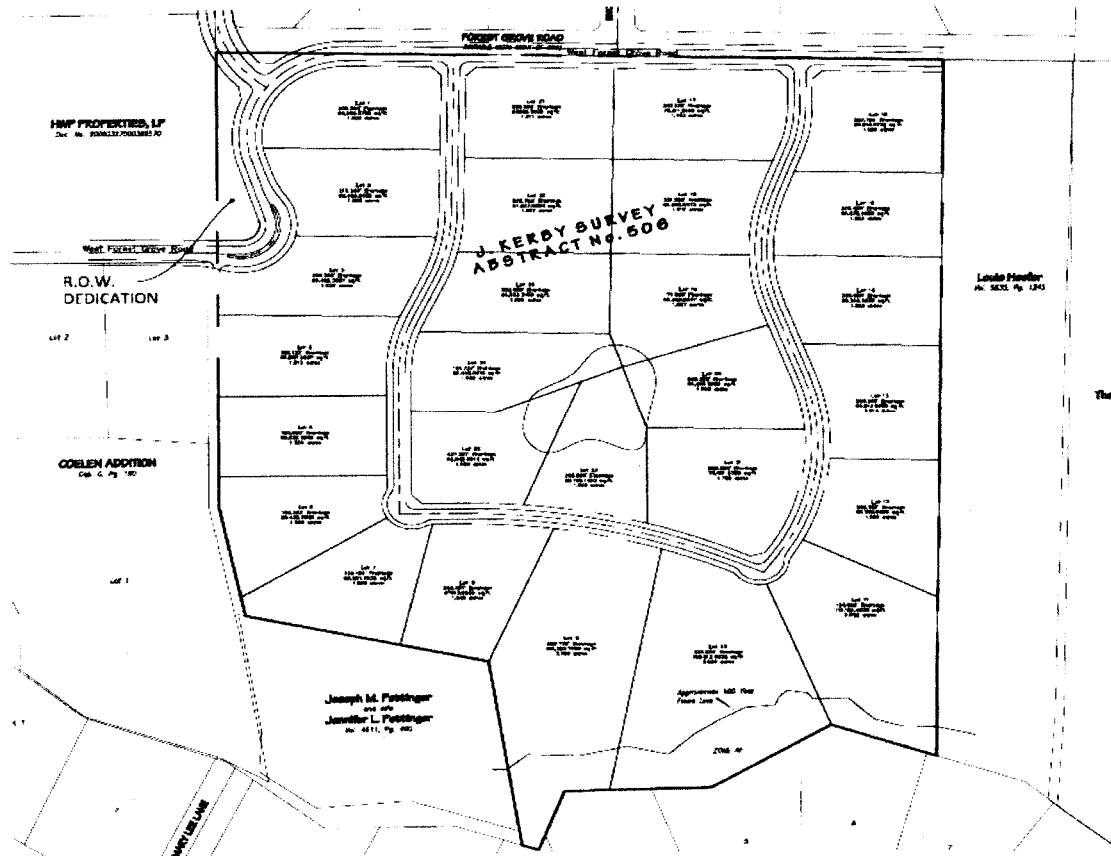
There is an approved Development Agreement giving consideration to the zoning of R-1.5 with a maximum of twenty-seven (27) lots. The developer will correct off-site drainage, improve off-site water system and improve off-site street.

The property currently has two zoning classifications, R-1 and AO.

Comprehensive Zoning Map:



Approved Concept Plan and Depiction (see next page):



The Public Hearing was opened at 7:15 p.m.

Steve Lenart, 520 Central Parkway East, Plano came forward to speak FOR this item and to answer any questions.

Janice Hoefler, 535 W. Forest Grove Road, came forward to speak AGAINST this item. Mrs Hoefler has lived in Lucas since 1979 along with her husband, Tom. Mrs. Hoefler was the first Tax Assessor/Collector for the City of Lucas. Mr. Hoefler was the Building Official that created and incorporated the Uniform Building Code for the City. Mrs. Hoefler shared a number of concerns about the proposed project. This tract of land is directly west of the Hoefler's property. The requested R-1.5 zoning is not according to the current Comprehensive Plan, which calls for a minimum of 2 acres. Mrs. Hoefler said the Comprehensive Plan was created for a reason and the City should not vary from it. There is also a concern with improving the drainage. With the plans that have been provided, there is nothing showing what the developer plans to do with the drainage and how it will affect the Hoefler property. There are a lot of beautiful trees on the 53 acre tract. What are the plans to not destroy as many as possible? The developer has offered to realign Forest Grove Road at the curve where it meets Mary Lee Lane if given the R-1.5 zoning. Being that there will be more traffic it should be a requirement, not a compromise. What is the minimum square footage of the homes being built and how close to the Hoefler property line will they be allowed? Are they tract homes or are they truly custom homes? With all these concerns and unanswered questions, Mrs. Hoefler, is AGAINST granting approval for this development.

Tom Hofer, 535 W. Forest Grove Road, came forward to speak AGAINST this item. Mr. Hofer stated that he and his wife were active in the business of the City in the late 70's to the late 80's. When the Master Plan was in the works the citizens elected councilmembers that favored the 2 acre minimum lot sizes. In the 90's Mayor Bruce Hopewell convinced enough councilmembers to allow for a few 1.5 acre areas. The next election, all who voted for the smaller lot sizes lost their seats. The citizens did not like what had happened and still feel betrayed. It is Mr. Hofer's understanding that this developer wants us to compromise our Master Plan in trade for some road improvements on Forest Grove Road at Mary Lee Lane. The drainage problem at the west side will be in the developer's scope of work with or without road improvements. The City should be telling the developers what they can or cannot do, instead of the tail wagging the dog. It appears that this potential variance of the Master Plan is not ready for a vote. There has not been any indication as to where the center pond will overflow to and only a small indication that the east side will flow towards my rock driveway.

The Public Hearing was closed at 7:21 p.m.

Development Services Director Joe Hilbourn reviewed the terms of the approved development agreement as it pertains to this project.

MOTION: Vice-Chairman Peggy Rusterholtz made a Motion to recommend approval of the application for the rezoning of a 53 +/- acre tract of land from AO to R-1.5 situated in the J. Kerby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to Hooper Family Limited Partnership according to the deed recorded in Volume 5190, Page 404 of the Deed Records, Collin County, Texas (DRCCT). Motion failed for lack of second.

Regular Agenda

- 4) Discuss and Consider the approval of the minutes from the August 8, 2013 Planning & Zoning Commission meeting.

Chairman Karen Hurtt pointed out two corrections to page 2, 3rd bullet "project's" and 4th bullet "access".

MOTION: Commissioner David Keer made a Motion to approve the August 8, 2013 Planning & Zoning Commission meeting minutes with two minor changes. Chairman Karen Hurtt seconded the Motion. Motion carried. Vote: 5-0.

- 5) Discuss and Consider the approval of a preliminary plat for a tract of land situation in the James Lovelady Survey Abstract No. 538, the first phase of Oakbrook Subdivision 48.05 acres out of a total of an 87 acre tract of land, consisting of twenty-two (22) lots with a mixed zoning of R-1.5 and R-2.

The applicant, Todd Winters, requested that this item be removed from the agenda.

- 6) Discuss and Consider the approval of a preliminary plat for an eight (8) lot subdivision being 18.007 acres located in the Peter F. Lucas Survey Abstract No.

537 and J. Anderson Survey Abstract No. 17 also known as Winding Creek Reserve (located off E. Lucas Road).

MOTION: Alternate Commissioner Andre Guillemaud made a Motion to approve the preliminary plat for an eight (8) lot subdivision being 18.007 acres located in the Peter F. Lucas Survey Abstract No. 537 and J. Anderson Survey Abstract No. 17 also known as Winding Creek Reserve. Commissioner Sean McCaffity seconded the Motion. Motion carried. Vote: 5-0.

- 7) Discuss and Consider the approval of an amendment to the City of Lucas' Code of Ordinances, Chapter 14, Zoning, add Section 14.03.354 Special District Requirements (3) the site plan may only be approved following a public hearing before the Planning & Zoning Commission and the City Council.

The code currently requires a public hearing. Section 14.03.354 Subsection (3) the site plan may only be approved following a public hearing before the Planning & Zoning Commission and the City Council. State Law says that site plans are an administrative approval. Administrative approval means that if it meets the city's requirements by law it must be approved. The public hearing gives the citizens a false sense that they have input whether or not the site plan is approved. Staff recommends that site plans continue to be approved by the Planning & Zoning Commission and City Council, not necessary to be presented as a public hearing.

MOTION: Vice-Chairman Peggy Rusterholtz made a Motion to recommend approval of an amendment to the City of Lucas' Code of Ordinances, Chapter 14, Zoning, Section 14.03.354 Special District Requirements (3) the site plan may only be approved following a public hearing before the Planning & Zoning Commission and the City Council by removing the public hearing requirement. Commissioner Sean McCaffity seconded the Motion. Motion carried. Vote: 5-0.

- 8) Discuss and Consider the approval of **Ordinance # 2013-10-00XXX** of the City Council of the City of Lucas, Collin County, Texas, amending the Lucas Code of Ordinances by amending Chapter 10 titled "Subdivisions" by amending Article 10.03 titled "Subdivision and Development Ordinance" by amending Division 4 titled "Standards and Requirements" by amending Section 10.03.123 titled "Streets and Drainage" by amending Sub-Section 10.03.123(e) titled "Storm Sewers-Residential Developments" by adding requirements for drainage ditches and drainage easements; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing for an effective date.

The city is a rural community with bar type ditches instead of curb and gutter. There are a large number of parcels that are relatively flat. A few of the subdivisions have drainage issues due to flat bar type ditches.

Staff is recommending that all future bar ditches be concrete lined to prevent drainage issues by adding the following:

- (e) Storm sewers-Residential developments.

- (8) Drainage ditches located within the public right of way or drainage easements shall be concrete lined. The concrete lining shall be a minimum of 2' wide but not less than the width of the ditch, the concrete lining shall be 5 inches thick, have a minimum of 2500 psi compressive strength and have grid pattern of 12" with 3/8" rebar.

MOTION: Commissioner Sean McCaffity made a Motion to table this item until the next meeting, giving the City Engineer time to review and provide input to the Commissioners. Commissioner Peggy Rusterholtz seconded the Motion. Motion carried. Vote: 5-0.

9) Adjournment.

MOTION: Commissioner Sean McCaffity made a Motion to adjourn the meeting at 7:57 p.m. Alternate Commissioner Andre Guillemaud seconded the Motion. Motion carried. Vote: 5-0.

These minutes were approved by a majority vote of the Planning & Zoning Commission on November 14, 2013.



Karen Hurtt
Chairman *for Karen Hurtt*



ATTEST:



Kathy Wingo, TRMC/MMC
City Secretary